

**7539. Misbranding of Cu-Co-Ba Tarrant. U. S. \* \* \* v. 4 Dozen Packages of Cu-Co-Ba Tarrant. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 10561. I. S. No. 14202-r. S. No. E-1542.)

On June 1, 1919, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 dozen packages of Cu-Co-Ba Tarrant, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about March 15, 1919, by The Tarrant Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cartons or boxes) "Cu-Co-Ba 'Tarrant' The Old Tarrant Extract of Cubebs and Copaiba in Capsule Form \* \* \*;" (circular) "Cu-Co-Ba 'Tarrant' An antiseptic stimulant medicament to the kidneys, and mucous membranes especially those of the genito-urinary tract. Promotes the healing of lesions of the mucous surfaces. Reduces excessive and annoying discharges. An esteemed and convenient combination in inflammations and irritations of the bladder, kidneys, prostate, urethra, and vagina. Of special value in gleet, gonorrhea and leucorrhea \* \* \* successfully employed in the treatment of chronic bronchitis, inflammations of the bladder \* \* \* prostatic abscess and gonorrhea \* \* \* successfully used in inflammatory conditions of the bladder and kidneys \* \* \* gonorrhea \* \* \* leucorrhea, vaginal gonorrhea, and chronic dysentery."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of extract of cubebs and copaiba, and magnesium oxid.

Misbranding of the article was alleged in the libel for the reason that the statements, designs, and devices, borne on the labels of the bottles, were false, fraudulent, and misleading, and were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of the purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents, effective, among other things, as a remedy for certain diseases, to wit, gleet, gonorrhœa, leucorrhœa, kidney trouble, bladder trouble, etc., when, in truth and in fact, it was not in whole or in part, composed of, and did not contain, ingredients or medicinal agents, effective, among other things, as a remedy for gleet, gonorrhœa, leucorrhœa, kidney trouble, bladder trouble, etc.

On October 20, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7540. Misbranding of Cu-Co-Ba Tarrant. U. S. \* \* \* v. 90 Packages \* \* \* Cu-Co-Ba Tarrant. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. Nos. 10797, 10799. I. S. Nos. 6980-r, 6987-r. S. Nos. C-1334, C-1329.)

On July 14, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 90 packages containing a drug product or combination called "Cu-Co-Ba Tarrant," remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about March

19, 1919, by The Tarrant Co., New York, N. Y., and transported from the State of New York into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cartons or boxes) "Cu-Co-Ba 'Tarrant' The Old Tarrant Extract of Cubebs and Copaiba in Capsule Form \* \* \*;" (circular) "Cu-Co-Ba 'Tarrant' An antiseptic stimulant medicament to the kidneys, and mucous membranes especially those of the genito-urinary tract. Promotes the healing of lesions of the mucous surfaces. Reduces excessive and annoying discharges. An esteemed and convenient combination in inflammations and irritations of the bladder, kidneys, prostate, urethra, and vagina. Of special value in gleet, gonorrhea and leucorrhea \* \* \* successfully employed in the treatment of chronic bronchitis, inflammation of the bladder \* \* \* prostatic abscess and gonorrhea \* \* \* successfully used in inflammatory conditions of the bladder and kidneys, \* \* \* gonorrhea, \* \* \* leucorrhea, vaginal gonorrhea and chronic dysentery."

Analyses of samples of the article made in the Bureau of Chemistry of this department showed that it consisted of a plastic mass containing essentially copaiba and oil of cubebs.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements, borne on the packages or boxes and included in the circular accompanying the article, representing it as a treatment for inflammations and irritations of the bladder, kidneys, prostate, urethra, and vagina, gleet, gonorrhœa, leucorrhœa, chronic bronchitis, prostatic abscess, and certain other diseases, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the results or effects claimed for it, and for the further reason that said statements were false and fraudulent in that the product or combination contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it.

On September 18, 1919, the said Tarrant Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

**7541. Misbranding of Injection Malydor. U. S. \* \* \* v. 18 Bottles \* \* \* Injection Malydor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10798. I. S. No. 8824-r. S. No. C-1332.)**

On July 14, 1919, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 bottles containing a drug solution or product called "Injection Malydor," remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped on or about September 21, 1918, by the Williams Mfg. Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles and carton) "Injection Malydor the hygienic lotion for male